REMARKS

This responds to the Office Action dated July 20, 2011.

Claims 27, 35, 37 and 65-67 are amended, claims 1-26, 30, 36-37, 41-43, 46-53, 56 and 68 are canceled; as a result, claims 27-29, 31-35, 38-40, 42-45, 54-55, 57-67 and 69-72 are now pending in this application.

The Rejection of Claims Under § 103

Claims 66-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,119,152, (hereinafter Carlin), "Domain Names - Concepts and Facilities," (hereinafter RFC 1034), and U.S. Patent 6,032,153, (hereinafter Sadiq).

Applicants respectfully submit that the rejection of the first set of claims, 66-68 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

Applicable Law

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *See* M.P.E.P. § 2142. Further, "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" [1]

Argument

Applicants believe that the issue of patentablity over Carlin in combination with RFC 1034 in combination with Sadiq is best understood with regard to the limitations of claim 27 now amended to include the limitations from dependent claim 68.

Claim 27, as now amended, includes the following limitations:

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[1] *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). cited with approval in *KSR v Teleflex*, 127 S. Ct. 1727, 1740-41 (2007), 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).
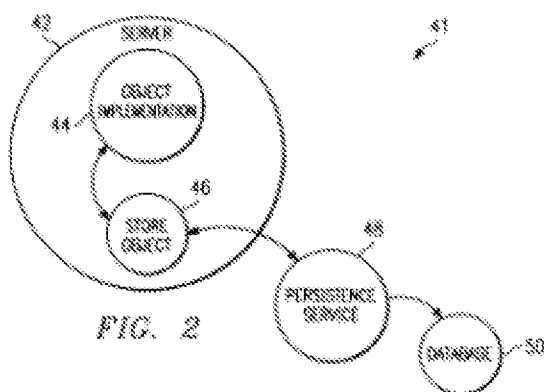
a central database system that stores the listing,

the sales server further comprising:

> *an object model representation of the central database system that is stored in memory; and*

> *a publisher subsystem to scan the central database system to identify records in the central database system that have changed, the publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed.*

Although the Office Action relies upon the following quote from Sadiq, Applicants note that Sadiq fails to describe "[a] *publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed.*"

FIG. 2

First, however, a description of how object implementation 44 saves its state will be given. In one embodiment, object implementation 44 maintains a dirty indicator for each of its attributes. A dirty indicator is used to indicate 55 when an attribute has been changed by a particular transaction. At the conclusion of the transaction, only those attributes that have been changed may then be sent to persistence service 48 for updates to database 50. The dirty indicator may be set to indicate that an attribute is dirty when 60 the attribute is changed and set to indicate that the attribute is not dirty when database 50 is updated to reflect a change in the attribute. Thus, when persistence service 48 indicates that an object state has been successfully stored in database 50, object implementation 44 may then clear the dirty bits 65 for each of its attributes.[3]

The above material from Sadiq relates to a server that persistently saves the state of an object implementation to a database. Specifically, the server persistently saves to the database all attributes of an object implementation that are respectively associated with a dirty bit that is set and does not save to the database those attributes that are respectively associated with a dirty bit that is clear.

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[2] Sadiq, figure 2.

[3] Id., col. 4, lines 51-65

Claim 27 recites, "[a] *publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...*" In contrast, the above quoted material from Sadiq relates to a server that persistently saves to the database all attributes of an object implementation that are respectively associated with a dirty bit that is set. Clearly, the above quote from Sadiq relates to saving **from** memory and **to** a database which is a different operation from that recited by claim which recites "[a] *publisher subsystem to modify ...memory based on the records in the central database system identified as changed...*" Indeed, these are reverse operations. Sadiq therefore cannot be said to teach or suggest the above quoted limitation because Sadiq relates to a server that persistently saves to the database all attributes of an object implementation that are respectively associated with a dirty bit that is set. In contrast, claim 27 recites, "[a] *publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...*" These are distinguishable actions.

The above remarks are also applicable to independent claims 35 and 38.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 66-67 under 35 U.S.C. § 103 is also addressed by the above remarks.

Carlin

Carlin generally relates to a multi-provider on-line service for remotely-located service providers. [4] "The multi-provider on-line system may be uniquely configured by a plurality of service providers, such that each service provider can offer its own subset of features to its subscribers and customize the appearance of the user interface." Carlin also fails to teach or suggest the above quoted elements of claim 27 that are missing from Sadiq. Indeed, the Office Action states, Carlin... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system..." [5] Accordingly, Carlin cannot provide what Sadiq lacks because Carlin also fails to teach or suggest the elements recited by the independent claims of the present application.

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[4] Carlin, col. 3, lines 10-16.

[5] Office Action, page 18.

RFC 1043

RFC 1043 is a request for comment published by the Network Working Group, a team lead by Steve Crocker, implementing the host-to-host connectivity and switching layers of the protocol stack of the ARPANET, [6] a network that later evolved into the Internet. RFC 1043 also fails to teach or suggest the above quoted elements of claim 27 that are missing from Sadiq and Carlin. Indeed, the Office Action states, RFC 1034... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system..." [7] Accordingly, RFC 1043 cannot provide what Sadiq and Carlin lack because RFC 1043 also fails to teach or suggest the elements recited by the independent claims of the present application.

Claims 27-29, 31-35, 38-45, 49-65 and 69-72

Claims 27-29, 31-35, 38-45, 49-65 and 69-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin in combination with RFC 1034 further in combination with U.S. Patent 5,835,896, (hereinafter Fisher).

Applicants respectfully submit that the rejection of claims 27-29, 31-35, 38-45, 49-65 and 69-72 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

As mentioned above, neither Carlin nor RFC 1034 teach or suggest the quoted elements of the now amended independent claims 27, 35 or 38.

Fisher

Fisher relates a system and method for conducting a multi-person interactive auctions in a variety of formats. The system allows a group of bidders to interactively place bids over a computer or communications network that are subsequently recorded by the system. When appropriate, the system closes the auction from further bidding and notifies the winning bidders and losers as to the auction outcome. Fisher also fails to teach or suggest the above quoted elements of claim 27 that are missing from Sadiq, Carlin and RFC 1034. Indeed, the Office

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[6] Internet, http://en.wikipedia.org/wiki/International_network (2010).

[7] Office Action, page 18.

Action states, Fisher ... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system..."[8] Accordingly, Fisher cannot provide what Sadiq, Carlin and RFC 1034 lack because Fisher also fails to teach or suggest the elements recited by the independent claims of the present application.

Claims 28-29, 31-34, 49-65 and 69-72 depend on independent claim 27. Claims 39-45 and 71-73 depend on independent claim 38. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 28-29, 31-34, 39-45, 49-65 and 69-72 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, a person having ordinary skill in the art, having carefully considered Sadiq, Carlin, RFC 1040, and Fisher whether alone or in combination, would not conclude the limitations of the independent claims are obvious as is required to support a *prima facie* case of obviousness in rejecting of the independent claims of the present application under 35 U.S.C.§ 103.

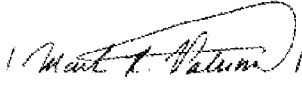[8] Office Action, page 18.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4046

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Mark R. Vatuone
Reg. No. 53,719